

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
STEVEN W. GRIMM,
Defendant.

2:08-CR-064-JCM-EJY

The United States District Court for the District of Nevada entered Orders of Forfeiture under Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18 U.S.C. § 982(a)(2)(A); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p), based upon the jury verdict finding Steven W. Grimm guilty of the criminal offenses, imposing in personam criminal forfeiture money judgments set forth in the Amended Bill of Particulars and the Forfeiture Allegations of the Superseding Criminal Indictment. Superseding Criminal Indictment, ECF No. 175; Amended Bill of Particulars, ECF No. 222; Minutes of Jury Trial, ECF No. 355; Verdict Form, ECF No. 363; Orders of Forfeiture, ECF No. 386, 424.

The Court ordered a criminal forfeiture money judgment of \$107,000,000 for Count 1; \$590,000 for Count 2; \$268,000 for Count 3; \$510,000 for Count 4; \$485,000 for Count 5; \$520,000 for Count 6; \$295,000 for Count 7; \$319,900 for Count 8; \$419,000 for Count 9; \$330,000 for Count 10; \$305,000 for Count 11; \$315,000 for Count 12; \$325,000 for Count 13; and \$460,000 for Count 14. Judgment in a Criminal Case, ECF No. 434; Orders of Forfeiture, ECF Nos. 366, 424.

Grimm appealed. The Ninth Circuit upheld all the district court's decisions, including the criminal forfeiture money judgments as to each substantive count but decided the criminal forfeiture money judgment amount of \$107,000,000 for the conspiracy violated

1 the Eighth Amendment. *United States v. Mazzarella*, 693 F. 28 Appx 582 (9th Cir. July 5,
 2 2017). The Ninth Circuit vacated the \$107,000,000 criminal forfeiture money judgment and
 3 remanded to the district court to reconsider the appropriate forfeiture amount for the
 4 conspiracy. *Id.*

5 Before Grimm could be re-sentenced, the Supreme Court made the decision in
 6 *Honeycutt v. United States*, 581 U.S. 443 (2017), which required specific tracing for money
 7 judgments. To resolve the forfeiture issues, Grimm and the United States entered an
 8 agreement and signed the Stipulation for Entry of Order of Forfeiture as to Defendant
 9 Grimm and Order, ECF No. 864, and the Court granted it (Stipulation), ECF No. 865.

10 As part of the Stipulation, Grimm agreed to the forfeiture of the in personam
 11 criminal forfeiture money judgment of \$10,531,727, and to the forfeiture of the following
 12 specific property:

- 13 1. \$292.69 in United States Currency seized from Bank of Nevada Account
 14 Number X2408;
- 15 2. \$1,095.00 in United States Currency seized from Bank of Nevada Account
 16 Number X8958;
- 17 3. \$1,257.41 in United States Currency seized from Wells Fargo Bank Account
 18 Number X8970;
- 19 4. \$1,375.78 in United States Currency seized from Wells Fargo Bank Account
 20 Number X0577;
- 21 5. \$15,276.69 in United States Currency seized from Wells Fargo Bank Account
 22 Number X9680;
- 23 6. \$15,098.13 in United States Currency seized from Wells Fargo Bank Account
 24 Number X9111;
- 25 7. \$679.00 in United States Currency seized from First Republic Bank Account
 26 Number X1312;
- 27 8. \$118.56 in United States Currency seized from Bank of America Account
 28 Number X7670;

- 1 9. \$996.54 in United States Currency seized from Bank of America Account
- 2 Number X4471;
- 3 10. \$552.07 in United States Currency seized from Bank of America Account
- 4 Number X3017;
- 5 11. \$924.44 in United States Currency seized from Washington Mutual Account
- 6 Number X6267;
- 7 12. \$1,900.00 in United States Currency seized from 1500 Windhaven Circle, Las
- 8 Vegas, Nevada 89117;
- 9 13. \$800.00 in United States Currency seized from 1500 Windhaven Circle, Las
- 10 Vegas, Nevada 891179; and
- 11 14. the 2001 Black Ford F-550, VIN 6522, Nevada License plate 410UXX

12 (all constituting property).

13 This Court finds that on the government's motion, the Court may at any time enter
14 an order of forfeiture or amend an existing order of forfeiture to include subsequently
15 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

16 The in personam criminal forfeiture money judgment amount of \$10,531,727
17 complies with *United States v. Lo*, 839 F.3d 777 (9th Cir. 2016); *Honeycutt v. United States*, 581
18 U.S. 443 (2017); *United States v. Thompson*, 990 F.3d 680 (9th Cir. 2021); and *United States v.*
19 *Prasad*, 18 F.4th 313 (9th Cir. 2021).

20 This Court finds the United States published the notice of forfeiture in accordance
21 with the law via the official government internet forfeiture site, www.forfeiture.gov,
22 consecutively from February 8, 2024, through March 8, 2024, notifying all potential third
23 parties of their right to petition the Court. Notice of Filing Proof of Publication Exhibits,
24 ECF No. 928-1, p. 5.

25 This Court finds the United States notified known third parties by regular mail and
26 certified mail return receipt requested of their right to petition the Court. Notice of Filing
27 Service of Process – Mailing (NOFSOP), ECF No. 931.

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1 On March 12, 2024, the United States Attorney's Office served Bank of America,
2 c/o CT Corporation System, Registered Agent, by regular and certified return receipt mail
3 with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order and
4 the Notice. NOFSOP, ECF No. 931-1, p. 3, 8-19, 30-32.

5 On March 12, 2024, the United States Attorney's Office served Bank of America by
6 regular and certified return receipt mail with the Stipulation for Entry of Order of Forfeiture
7 as to Defendant Grimm and Order and the Notice. NOFSOP, ECF No. 931-1, p. 3, 8-19,
8 33-35.

9 On March 12, 2024, the United States Attorney's Office served CitiBank, c/o
10 Secretary of State, Registered Agent, by regular and certified return receipt mail with the
11 Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order and the
12 Notice. NOFSOP, ECF No. 931-1, p. 3, 8-19, 36-38.

13 On March 12, 2024, the United States Attorney's Office served CitiBank, N.A., by
14 regular and certified return receipt mail with the Stipulation for Entry of Order of Forfeiture
15 as to Defendant Grimm and Order and the Notice. NOFSOP, ECF No. 931-1, p. 3, 8-19,
16 39-41.

17 On March 12, 2024, the United States Attorney's Office served FDIC as Trustee for
18 AmTrust Bank, c/o Harrel M. Pettway, General Counsel, by regular and certified return
19 receipt mail with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm
20 and Order and the Notice. NOFSOP, ECF No. 931-1, p. 3, 8-19, 42-44.

21 On March 12, 2024, the United States Attorney's Office served FDIC as Trustee for
22 AmTrust Bank, FDIC Restitution Payments, by regular and certified return receipt mail
23 with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order and
24 the Notice. NOFSOP, ECF No. 931-1, p. 4, 8-19, 45-47.

25 On March 12, 2024, the United States Attorney's Office served FDIC as Trustee for
26 IndyMac, c/o Harrel M. Pettway, General Counsel, by regular and certified return receipt
27 mail with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order
28 and the Notice. NOFSOP, ECF No. 931-1, p. 4, 8-19, 48-50.

1 On March 12, 2024, the United States Attorney's Office served FDIC as Trustee for
2 IndyMac, FDIC Restitution Payments, by regular and certified return receipt mail with the
3 Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order and the
4 Notice. NOFSOP, ECF No. 931-1, p. 4, 8-19, 51-53.

5 On March 12, 2024, the United States Attorney's Office served First Horizon Bank,
6 c/o Clyde A. Billings, Jr., Office of the Corporate Secretary, by regular and certified return
7 receipt mail with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm
8 and Order and the Notice. NOFSOP, ECF No. 931-1, p. 4, 8-19, 54-57.

9 On March 12, 2024, the United States Attorney's Office served First Horizon Home
10 Loans by regular and certified return receipt mail with the Stipulation for Entry of Order of
11 Forfeiture as to Defendant Grimm and Order and the Notice. NOFSOP, ECF No. 931-1, p.
12 4, 8-19, 58-61.

13 On March 12, 2024, the United States Attorney's Office served Capital One
14 Financial Corp., c/o Corporation Service Company, Registered Agent, by regular and
15 certified return receipt mail with the Stipulation for Entry of Order of Forfeiture as to
16 Defendant Grimm and Order and the Notice. NOFSOP, ECF No. 931-1, p. 4, 8-19, 62-64.

17 On March 12, 2024, the United States Attorney's Office served Capital One
18 Financial Corp. by regular and certified return receipt mail with the Stipulation for Entry of
19 Order of Forfeiture as to Defendant Grimm and Order and the Notice. NOFSOP, ECF No.
20 931-1, p. 5, 8-19, 65-67.

21 On March 12, 2024, the United States Attorney's Office served JP Morgan Chase,
22 c/o CT Corporation System, Registered Agent, by regular and certified return receipt mail
23 with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order and
24 the Notice. NOFSOP, ECF No. 931-1, p. 5, 8-19, 68-70.

25 On March 12, 2024, the United States Attorney's Office served JP Morgan Chase by
26 regular and certified return receipt mail with the Stipulation for Entry of Order of Forfeiture
27 as to Defendant Grimm and Order and the Notice. NOFSOP, ECF No. 931-1, p. 5, 8-19,
28 71-74.

1 On March 12, 2024, the United States Attorney's Office served Nomura Credit &
2 Capital, Inc., c/o Corporation Service Company, by regular and certified return receipt mail
3 with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order and
4 the Notice. NOFSOP, ECF No. 931-1, p. 5, 8-19, 75-77.

5 On March 12, 2024, the United States Attorney's Office served and attempted to
6 serve Nomura Credit Capital, Inc. by regular and certified return receipt mail with the
7 Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order and the
8 Notice. The certified mail was returned as unknown. The regular mail was not returned.
9 NOFSOP, ECF No. 931-1, p. 5, 8-19, 78-82.

10 On March 28, 2024, the United States Attorney's Office served Terwin Advisors,
11 LLC dba the Winter Group, c/o Registered Agent Solutions, Inc., by regular and certified
12 return receipt mail with the Stipulation for Entry of Order of Forfeiture as to Defendant
13 Grimm and Order and the Notice. NOFSOP, ECF No. 931-1, p. 5, 8-19, 83-85.

14 On March 12, 2024, the United States Attorney's Office attempted to serve Terwin
15 Advisors, LLC dba the Winter Group, at zip code 10020 by regular and certified return
16 receipt mail with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm
17 and Order and the Notice. Both mailings were returned as not deliverable as addressed.
18 NOFSOP, ECF No. 931-1, p. 5-6, 8-19, 86-90.

19 On March 12, 2024, the United States Attorney's Office attempted to serve Terwin
20 Advisors, LLC dba the Winter Group, at zip code 10111 by regular and certified return
21 receipt mail with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm
22 and Order and the Notice. The certified mail was returned as forward expired. The regular
23 mail was returned as not deliverable as addressed. NOFSOP, ECF No. 931-1, p. 6, 8-19, 91-
24 96.

25 On March 12, 2024, the United States Attorney's Office served Wells Fargo Bank,
26 N.A., c/o Corporation Service Company, Registered Agent, by regular and certified return
27 receipt mail with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm
28 and Order and the Notice. NOFSOP, ECF No. 931-1, p. 6, 8-19, 97-99.

On March 12, 2024, the United States Attorney's Office served Wells Fargo Bank, N.A., dba America's Servicing Company, by regular and certified return receipt mail with the Stipulation for Entry of Order of Forfeiture as to Defendant Grimm and Order and the Notice. NOFSOP, ECF No. 931-1, p. 6, 8-19, 100-102.

This Court finds no petition was filed herein by or on behalf of any person or entity and the time for filing such petitions and claims has expired.

This Court finds no petitions are pending regarding the property named herein and the time has expired for presenting such petitions.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all possessory rights, ownership rights, and all rights, titles, and interests in the property hereinafter described are condemned, forfeited, and vested in the United States:

1. \$292.69 in United States Currency seized from Bank of Nevada Account Number X2408;
2. \$1,095.00 in United States Currency seized from Bank of Nevada Account Number X8958;
3. \$1,257.41 in United States Currency seized from Wells Fargo Bank Account Number X8970;
4. \$1,375.78 in United States Currency seized from Wells Fargo Bank Account Number X0577;
5. \$15,276.69 in United States Currency seized from Wells Fargo Bank Account Number X9680;
6. \$15,098.13 in United States Currency seized from Wells Fargo Bank Account Number X9111;
7. \$679.00 in United States Currency seized from First Republic Bank Account Number X1312;
8. \$118.56 in United States Currency seized from Bank of America Account Number X7670;

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9. \$996.54 in United States Currency seized from Bank of America Account Number X4471;
10. \$552.07 in United States Currency seized from Bank of America Account Number X3017;
11. \$924.44 in United States Currency seized from Washington Mutual Account Number X6267;
12. \$1,900.00 in United States Currency seized from 1500 Windhaven Circle, Las Vegas, Nevada 89117;
13. \$800.00 in United States Currency seized from 1500 Windhaven Circle, Las Vegas, Nevada 891179; and
14. the 2001 Black Ford F-550, VIN 6522, Nevada License plate 410UXX; and that the United States recover from Steven W. Grimm the in personam criminal
ure money judgment of \$10,531,727, not to be held jointly and severally liable with
defendants, and that the property will not be applied toward the payment of the
y judgment; and

the forfeiture of the money judgment and the property is imposed under Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(A); 21 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7); that the money judgment shall be collected; and that the property and the collected amount shall be disposed of according to law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that under Fed. R. Crim. P. 32.2(c) and 21 U.S.C. § 853(n)(7), all possessory rights, ownership rights, and all rights, titles, and interests in the real property are extinguished and are not recognized for Steven W. Grimm, Eve E. Mazzarella, all third parties, and the following entities:

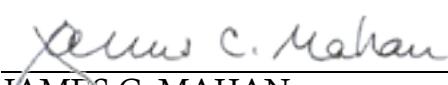
1. Bank of America;
2. CitiBank;
3. FDIC as Trustee for AmTrust Bank;
4. FDIC as Trustee for IndyMac;

- 1 5. First Horizon Bank;
- 2 6. First Horizon Home Loans;
- 3 7. Capital One Financial Corp.;
- 4 8. JP Morgan Chase;
- 5 9. Nomura Credit & Capital, Inc.;
- 6 10. Terwin Advisors; and
- 7 11. Wells Fargo Bank.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
9 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
10 deposit, as well as any income derived as a result of the government's management of any
11 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
12 disposed of according to law and the Stipulation.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
14 copies of this Order to all counsel of record and three certified copies to the United States
15 Attorney's Office, Attention Asset Forfeiture Unit.

16 DATED May 1, 2024.

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18 
19 JAMES C. MAHAN
20 UNITED STATES DISTRICT JUDGE
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